IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 117 OF 2006.
IN
CRIMINAL APPEAL NO. 103 OF 2006.

Pandurang Ganpat Kate & anr. ... Applicants.
Versus.
State of Maharashtra
Kandivali Police STation. ... Respondents.

Smt.M.A.Ingle for the Applicants.

Shri U.V.Nikam, A.P.P. for the Respondents.

CORAM : ABHAY S.OKA, J.

DATED : 11th September, 2006.

P.C.:

1. Heard the learned Advocates appearing for the parties. The Applicants have been convicted for offence punishable under section 306 read with section 34 of the Indian Penal Code. The substantive sentence is rigorous imprisonment for five years. Fine amount has been already paid.

2. The age of the Applicant No.1 is stated to be 68 years. Applicant No.2 who is a woman is stated to be 58 years old. The Applicant No.1 was in jail from 14th February 2005 till 22nd June 2005. The Applicant No.2 was in Jail from 14th February 2005 till 7th June 2005. From 21st December 2005 both the Applicants are in jail. Thus both the Applicants have completed more than 13 months in jail. The substantive sentence is of five years.

3. I have perused the notes of evidence and the impugned Judgment. Considering the facts and circumstances of the case and considering the age of the Applicants and the fact that the Appeal is not likely to be heard in near future, a case is made out for grant of bail.

4. Hence the Application is disposed of by the following order:

i) The Applicants shall be enlarged on bail on which they were enlarged during the pendency of the Appeal subject to filing fresh bail bonds.

ii) The bail is granted on condition that the Applicants will report to the Kandivali Police Station on every first Saturday of every calender month till disposal of the Appeal.

Judge.